

# **NORTH CAROLINA GENERAL ASSEMBLY**

Raleigh, North Carolina 27601

**January 15, 2016**

## **REPORT UPDATE**

**TO:** Representative **Sarah S. Stevens**, Chair

**FROM:** **Locke Bell** and **Robert C. Kemp, III**, Commission Members

**SUBJECT:** Motions for Appropriate Relief (MAR) Sub-Committee Report (Update)

**ATTENDEES:** **Baddour, Richard A.**, Superior Court Judge, District 15B  
**Bell, Locke R.**, District Attorney, District 27A  
**Fairbanks, Whitney**, Assistant Legal Counsel, AOC  
**Gerding, Glenn**, Chief Appellate Defender  
**Jackson, Barbara A.**, Justice, North Carolina Supreme Court  
**Kemp, III, Robert C.**, Public Defender, District 3A  
**Montgomery, Robert C.**, Senior Deputy Attorney General  
**Pollard, Mary**, Executive Director, N.C. Prison Legal Services  
**Rubin, John**, Professor, Institute of Government

**MEETING DATES:** December 29, 2015

**LOCATION:** North Carolina Judicial Center (AOC), Raleigh, N.C.

**CHARGE:** Continuing review of Motions for Appropriate Relief (MARs) in Superior Court and their practical application among the judicial districts.

**CHALLENGE:** How to streamline the current MAR process in Superior Court among the court actors without infringing upon any Defendants' rights. Current stakeholders use tremendous resources in resolving MARs, particularly *pro se* defendants.

**INFORMAL FINDINGS:**

- 1) MARs are not tracked consistently statewide. Enhancements to the current case management system are needed to accomplish this task. Furthermore, levels of authority and responsibility would need to be determined when implementing such a statewide tracking system.
- 2) No uniformity exists among judicial districts in the handling of MARs. Although some similarities exist, each senior resident superior court judge handles MARs differently.

## **RECOMMENDATIONS:**

- 1) In order to define clearly the consistency and resource problem, MARs in superior court must be tracked statewide.
- 2) Modify current legislation to make the manner MARs are processed more consistent and efficient. Please see attached, proposed language.
- 3) In resolving this issue, ensure unity of effort between NC Courts Commission and NC Commission on the Administration of Law and Justice (Technology Committee).
- 4) Implement training of MAR procedure for all judicial stakeholders.
- 5) Request the Educational Committee of the NC Conference of Superior Court Judges conduct a survey among judges on the manner and resolution of MARs in their respective districts.